

**United States Court of Appeals**  
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

December 17, 2007

Debra P. Hackett  
Clerk, U.S. District Court  
15 Lee Street, Ste 206  
Montgomery, AL 36104

RE: Gene Coggins  
DC No. 3:07cv991

Dear Ms. Hatchett:

Enclosed is a notice of appeal erroneously forwarded to this court and now forwarded to your court for review. *If this is indeed a valid notice of appeal*, please file as of the date received (December 13, 2007) by this court, in accordance with Fed.R.App.P. 4(a)(1).

Sincerely,

THOMAS K. KAHN, Clerk

By CaCelia Williams  
CaCelia Williams  
Assistant Supervisor, Case Initiation

**IN THE UNITED STATES COURT OF APPEALS,  
ELEVENTH CIRCUIT, ATLANTA, GEORGIA**

GENE COGGINS Pro st  
1436 COUNTY ROAD #299  
LANETT, AL 36863  
Plaintiff

V:

APPEAL NO. \_\_\_\_\_

DIST. COURT NO. 3:07 - CV - 991 - MEF

LINDA HARRIS  
Defendant

---

**PETITION TO APPEAL TO THE U. S. COURT OF APPEALS**

COMES NOW THE PETITIONER, GENE COGGINS, WITH THIS PETITION TO APPEAL THE ABOVE CASE. ALL PARTIES INVOLVED IN THIS CASE UNTIL A FINAL JUDGMENT HAS BEEN ISSUED, DISSOLVE ALL ISSUES BETWEEN THE PARTIES, WITH THE EXCEPTION OF ATTORNEY FEES AND COST, ARE IMMEDIATELY APPEALABLE Budinich V. Becton Dickinson & Co. 486U. S. 196, 201, 108, S. Ct. 1717, 1721, -22, 100, L. E. D. .22 d, 178, (1988), LaChance V. Duffey's Draft House, Inc. 146, F. 3d, 8322, 837, (11<sup>th</sup> Cir. 1998).

**JURISDICTION:**

THE UNITED STATES CONSTITUTION SET UP DISTRICT COURTS FOR LOCAL CASES TO BE HEARD IN THE PROPER JURISDICTION AND FEDERAL

DISTRICT COURTS INVOLVING CONSTITUTION RIGHTS AND FEDERAL QUESTIONS AS GIVEN IN RULE 28, U. S. C. A. 81, s/s et, seq. THAT ANY CONSTITUTION QUESTION CAN BE APPEALED AT ANY TIME DURING THE PROCEEDINGS OF A CASE ALL WAY TO THE UNITED STATES SUPREME COURT. THE JURISDICTIONS REQUIREMENTS ARE MET, WHEN THE LEGAL RIGHTS EXIST, WHERE THE COURT HAS COGNIZANCE OF CASES INVOLVING ALL PROPER PARTIES ARE PRESENT AND POINTS TO BE DECIDED IS WITHIN THE POWER OF THE COURT, TO SETTLE ALL ISSUES BETWEEN THE PARTIES, EITHER CIVIL OR CRIMINAL, WHETHER THEY BE ISSUES OF LAW OR FACTS, WITHOUT ANY RESTRICTIONS ADDED ON. Fed. R. Civil P. 38 (a), 48, 59, Crim P. 23, 33. United Cemeteries Co. V: Strother, 342, Mo. 1155, 119, S. W. 2d, 762, 765. Harder VP: Johnson, 147, Kan. 440, 76, P. 2d, 763, 764.

JURISDICTION IS THE POWER INTRODUCED FOR THE PUBLIC GOOD, OR BENEFIT, FOR THE ACCOUNT OF DISPENSING FAIR JUSTICE TO ALL CITIZENS. THE SCOPE, POWER, AND INTENT OF JURISDICTION FOR THE FEDERAL COURTS IS COVERED UNDER RULE 28, U. S. C. A. s/s 1251, et. Seq.. JURISDICTION IS NOT LIMITED TO SUBJECT MATTER OR AMOUNT SOUGHT IN THE LITIGATION, BUT FACTS MUST EXIST FOR THE FEDERAL COURTS TO HAVE PROPER JURISDICTION ON ANY PARTICULAR CASE:

1. THE DEFENDANT(S) MUST BE PROPERLY SERVED WITH THE ON GOING PROCESS,
2. THAT THE CONTROVERSY EXCEEDS A CERTAIN SUM,
3. THAT THE PARTIES ARE CITIZENS OF THE UNITED STATES.

ALL OF THE ABOVE REQUIREMENTS WERE MEET, AND THEREFORE NO FURTHER JURISDICTIONS QUESTIONS CAN PROPER OR LEGAL EXIST. *Nobelv: Union Logging Railroad Co.* 147, U.S. 165, 13 S. Ct. 271, 37 L. E. D.

**CAUSE OF ACTION:**

ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF, BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS CHARGED WITH THE CRIME.. *U.S. V: Reisinger* 128, U. S. 396, 9, S. Ct. 99, 32, L. E. D. 480. THIS FAILS TO EXIST IN THE DISTRICT COURT UNDER MARK FULLER RULES, AS WELL AS ANY RULE OF LAW THAT IS COVERED IN THE GUARANTEED DUE PROCESS OF LAW AS FOUND IN THE CONSTITUTION OF THE UNITED STATES. COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN ANY COURT. THIS CONCEPT OF THE DUE PROCESS OF LAW, IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND HAS PRESTIGE OVER ANY OTHER RULES OF LAW, COURT ORDERS, OR JUDGES THAT ATTEMPT FOR THIS NOT TO BE INCLUDED IN ANY COURT ACTION. *U.S. V: Smith D. C. Iowa*, 249, App. Supp., 515, 516..

THE DISTRICT COURT HAS INTENTIONALLY BROKEN EVERY PART OF THE DUE PROCESS OF LAW BY;

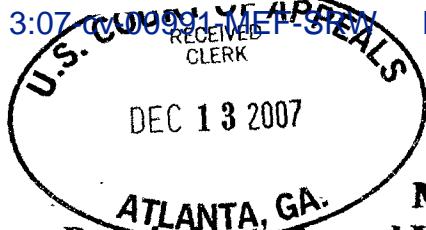
1. NOT ALLOWING THE APPENDIX SYSTEM TO BE USED, AND NOT ALLOWING ANY TRIAL BY JURY, AS THE ONLY OTHER ALTERATIVE METHOD TO BE HEARD,
2. NOT ALLOWING AN ANSWER FROM THE OTHER SIDE, BEFORE PRE-JUDGING ANY CASE,
3. NOT ALLOWING DEFAULT OR DEFAULT JUDGMENT TO BE FILED AGAINST DEFENDANTS,
4. TRYING TO ADD ADDITIONAL DEFENDANTS, OR CHANGE ORIGINAL DEFENDANTS,

5. PLAYING THE ROLL OF JUDGE AND DEFENSE ATTORNEY, USING THE OLD BUDDY, BUDDY SYSTEM, TO HELP HIS FRIENDS,
6. DENYING ALL OF MY CIVL RIGHTS, TO BE HEARD IN ANY COURT, AS GIVEN IN THE DUE PROCESS OF LAW, AS GUARANTEED BY THE UNITED STATES CONSTITUTION, THAT NO COURT OR JUDGE HAS THE AUTHORITY TO CHANGE OR DENY. U. S. V: Smith D.C. App. Supp. 515, 516

**CONCLUSION:**

THEREFORE, WITH ALL THE ILLEGAL PROCEEDINGS INVOLVED IN THIS CASE, COVERING THE GUARANTEED RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS DENYING MY CIVIL RIGHTS AND THE DUE PROCESS OF LAW, BY THE DISTRICT COURT, WHERE THIS ORIGINAL CASE WAS FILED. WHEN A LOWER COURT FAILS TO DISSOLVE ALL ISSUES INVOLVED IN BETWEEN THE PARTIES, ALL ISSUES STILL REMAIN AND MUST BE SETTLED. THIS COURT HAS THE RESPONSIBILITY TOO MAKE SOME PART OF THIS CASE LEGAL BY REVERSING ANY AND ALL DECISIONS MADE BY DISTRICT JUDGE MARK E. FULLER. UNDER THE CODE OF ESTHETICS HE IS NOT TO BE LEGALLY INVOLVED WITH ANY CASE THAT I AM INVOLVED WITH, FOR I STILL HAVE A CIVIL RIGHT CASE FILED AGAINST HIM THAT HAS NOT REACHED ANY FINAL ORDER. BY PLACING DEFAULT AND DEFAULT JUDGMENT AGAINST THE ABOVE DEFENDANT FOR NOT COMPLYING TO THE REQUIREMENTS OF AN ANSWER AS GIVEN IN THE SUMMONS, RECEIVED BY CERTIFIED MAIL MUST BE INCLUDED AS A PART OF THIS APPEAL. WHEN A LOWER COURT FAILS OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED WITH BETWEEN THE PARTIES, THE RIGHT TO APPEAL IS A GUARANTEED DUE PROCESS OF LAW, AND MUST BE ABIDED BY.

Gene Coggins  
GENE COGGINS



DEC 13 2007

**Motion for  
Permission to Appeal In Forma Pauperis and Affidavit**

United States Court of Appeals for the Eleventh Circuit

Court of Appeals No.

District Court No. 3:07-cv-991-MEF

v.

**Instructions:** Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: DECEMBER 11, 07Signed: Gene Coggins

My issues on appeal are:

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semi-annually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interests and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as Social Security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>136</u>	\$ <u>0</u>	\$ <u>136.00</u>
Disability (such as Social Security, insurance payments)	\$ <u>442</u>	\$ <u>636</u>	\$ <u>442</u>	\$ <u>636.00</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>442</u>	\$ <u>636</u>	\$ <u>442</u>	\$ <u>636.00</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
CHARLES REYNOLDS ALEX CITY		1983-1995	\$800

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

W. P. STEVENS LANETT, AL	1957-1993	\$900 m.s

4. How much cash do you and your spouse have? \$ 63.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
CHARTER BANK	CHECKING/LOANS	\$1,118.00 (LOAN)	\$163.00
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other Real Estate (Value)	Motor Vehicle #1 (Value)
\$800.00	0	0
\$70,000.00	0	
		Model: _____
		Registration #: _____
Other Assets (Value)	Other Assets (Value)	Motor Vehicle #2 (Value)
0	0	0
		Model: _____
		Registration #: _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	0	0

## 7. State the persons who rely on your or your spouse for support.

Name	Relationship	Age
①		
②		
③		
8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.		
	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ <u>                  </u>	\$ <u>                  </u>
Are real-estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ <u>Both</u>	\$ <u>140.44</u>
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ <u>                  </u>	\$ <u>                  </u>
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>Both</u>	\$ <u>350 - 500</u>
Home maintenance (repairs and upkeep)	\$ <u>                  </u>	\$ <u>                  </u>
Food	\$ <u>                  </u>	\$ <u>                  </u>
Clothing	\$ <u>                  </u>	\$ <u>                  </u>
Laundry and dry-cleaning	\$ <u>                  </u>	\$ <u>                  </u>
Medical and dental expenses	\$ <u>100</u>	\$ <u>175 m/o</u>
Transportation (not including motor vehicle payments)	\$ <u>                  </u>	\$ <u>                  </u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>                  </u>	\$ <u>                  </u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>Both</u>	\$ <u>75 m/o</u>
Homeowner's or renter's	\$ <u>                  </u>	\$ <u>                  </u>
Life	\$ <u>                  </u>	\$ <u>                  </u>
Health	\$ <u>                  </u>	\$ <u>                  </u>
Motor Vehicle	\$ <u>                  </u>	\$ <u>                  </u>
Other: _____	\$ <u>                  </u>	\$ <u>                  </u>
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <u>                  </u>	\$ <u>                  </u>
Installment payments	\$ <u>                  </u>	\$ <u>                  </u>
Motor Vehicle	\$ <u>                  </u>	\$ <u>                  </u>
Credit card (name): _____ ①	\$ <u>                  </u>	\$ <u>                  </u>
Department store (name): _____ ①	\$ <u>                  </u>	\$ <u>                  </u>
Other: _____ ①	\$ <u>                  </u>	\$ <u>                  </u>
Alimony, maintenance, and support paid to others	\$ <u>                  </u>	\$ <u>                  </u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>                  </u>	\$ <u>                  </u>
Other (specify): _____	\$ <u>                  </u>	\$ <u>                  </u>
Total monthly expenses	\$ <u>                  </u>	\$ <u>                  </u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form?

Yes  No If yes, how much: \$ \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

---

---

---

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

---

---

---

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

UNLESS ADDITIONAL MEDICAL EXPENSES  
OCUR, WE HAROLY BREAK EVEN.

13. State the address of your legal residence.

1436 COUNTY Rd #299  
HANETT, AL 36863

Your daytime phone number: (334) 576-3263

Your age: 69 Your years of schooling: 5 yrs. col.

Your Social Security number: 424-52-2485

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
EASTERN DIVISION

GENE COGGINS, )  
 )  
 Plaintiff, )  
 v. ) CASE NO. 3:07-cv-991-MEF  
 ) WO  
 LINDA HARRIS, )  
 )  
 Defendant. )

**FINAL JUDGMENT**

Upon consideration of the prior proceedings, opinions and orders entered in this case, it is

ORDERED and ADJUDGED that judgment is entered in favor of the defendants and against the plaintiff and that this action is dismissed with prejudice.

The clerk of the court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE this the 28th of November, 2007.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE

**UNITED STATES COURT OF APPEALS  
ELEVENTH CIRCUIT  
56 FORSYTH STREET, N.W.  
ATLANTA, GA 30303**

GENE COGGINS  
1436 COUNTY RD. #299  
LANETT, AL 36863

---

DECEMBER 11, 2007

APPEAL NUMBER \_\_\_\_\_

DISTRICT COURT NO. 3:07 - CV - 991 M E F

CASE STYLE: GENE COGGINS V. LINDA HARRIS

ATLANTA, GA.

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT

GENE LOGGINS vs. LINDA HARRIS Dkt No. 3:07-cv-991-MEP

11th Cir. kR. 26.1 (see reverse) requires that a Certificate of Interested Persons and Corporate Disclosure Statement be included with each brief, petition, answer, motion or response filed by any party. You may use this form to fulfill this requirement. In alphabetical order, with one name per line, please list the trial judge(s), and all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case (*please type or print legibly*):

LINDA HARRIS

DEBIA HACKETT